

FILED

MAR 28 2005

United States District Court
for the Western District of Texas
San Antonio Division

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

Levi Reed Jr

(Name of plaintiff or plaintiffs)

v.

Civil Action Number:

SA 05 CA 0186 RF

(Case Number to be supplied
by the Intake Clerk)

San Antonio AEROSpace LP

David Young, Julius Milton

David Rodriguez, J. Ferris
(Name of defendant or defendants)

COMPLAINT

1. This action is brought by Levi Reed, Plaintiff, pursuant to the following selected jurisdiction:

(Please select the applicable jurisdiction)

- ☐ Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment), religion or national origin.
- ☐ The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).
- ☐ The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).
- ☐ The Equal Pay Act (29 USC § 206(d)) (EPA).
- ☐ The Rehabilitation Act of 1973 (29 USC § 791 et seq.) (Applicable to federal employees only).

6.

2. Defendant SAN ANTONIO ADEOSPACE (Defendant's name) lives at, or its business is located at 9800 John Sanders Rd. (street address), _____ (city), _____ (state), _____ (zip).
- 3a. Plaintiff sought employment from the defendant or was employed by the defendant at _____ (street address), _____ (city), SAN ANTONIO (state), 78216 (zip).
- 3b. At all relevant times of claim of discrimination, Defendant employed 21 (#) employees. If defendant is a union, at all relevant times of claim of discrimination, Defendant had 21 (#) members.
4. Defendant discriminated against plaintiff in the manner indicated in paragraph 8 of this complaint on or about 7 (month) 27 (day) 05 (year). If incidents of discrimination occurred more than one day, please indicate the beginning and ending dates of such acts: Intimidated & harassed The last 300 days
5. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission (E.E.O.C.) charging defendant with the acts of discrimination indicated in paragraph 7 of this complaint on or about 9 (month) 16 (day) 04 (year). (Not applicable to federal civil service employees).
- 6a. The E.E.O.C. issued a Notice of Right to Sue which was received by plaintiff on 12 (month) 8 (day) 04 (year). (Not applicable to ADEA and EPA claims or federal civil service employees).

VERY IMPORTANT NOTE:

PLEASE ATTACH A COPY OF YOUR NOTICE OF RIGHT TO SUE AND THE ENVELOPE IN WHICH IT WAS RECEIVED TO THIS COMPLAINT.

- 6b. Please indicate below if the E.E.O.C issued a Determination in your case:

☒ Yes
☐ No

VERY IMPORTANT NOTE:

IF YOU CHECKED "YES", PLEASE ATTACH A COPY OF THE E.E.O.C.'S DETERMINATION TO THIS COMPLAINT.

7. Because of plaintiff's:

(Please select the applicable allegation(s))

- ☒ Race (If applicable, state race) African American
- ☒ Color (If applicable, state color) Blk
- ☐ Sex (gender, pregnancy or sexual harassment) (If applicable, state sex and claim) _____
- ☐ Religion (If applicable, state religion) _____
- ☐ National Origin (If applicable, state national origin) _____
- ☒ Age (If applicable, state date of birth) 4-13-45
- ☐ Disability (If applicable, state disability) _____
- ☐ Prior complaint of discrimination or opposition to acts of discrimination. (Retaliation) (If applicable, explain events of retaliation) _____

The defendant: (please select all that apply)

- ☐ failed to employ plaintiff.
- ☐ terminated plaintiff's employment.
- ☐ failed to promote plaintiff.
- ☐ harassed plaintiff.

☒ other (specify) Gave False Information about Sign Incident report that they refuse to take from me I have 5 ex coworkers who will witness this action by management Personal & Chief of Security.

- 8a. State specifically the circumstances under which defendant, its agent, or employees discriminated against plaintiff PERSONALLY:

VERY IMPORTANT NOTE:

INCLUDE SPECIFIC DATES, SPECIFIC EVENTS, AND ANY SPECIFIC COMMENTS MADE BY DEFENDANT PERTAINING TO THE DISCRIMINATION CLAIM ALLEGED ABOVE.

David Young my Supervisor Admitted to me that he was prejudic An when I tried to report this Incident to management the Refuse to Except it.

- 8b. List any witnesses who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

Mr Houston Thompson Jose Torrez Jesse Soto
All are Security Guards

- 8c. List any documentation that would support plaintiff's allegations and explain what the documents will prove:

I Finally Gave my Incident Report to HUMAN RESOURCE A week After no one in Mgr. would Take it

9. The above acts or omissions set forth in paragraphs 7 and 8 are:

☐ still being committed by defendant.
☒ no longer being committed by defendant.

10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

- ☐ Defendant be directed to employ plaintiff.
- ☐ Defendant be directed to re-employ plaintiff.
- ☐ Defendant be directed to promote plaintiff.

- ☐ Defendant be directed to EXPLAIN why they would
NOT TAKE my incident report. And
wanted to keep what really & truly
happen from getting to other
employer & employees

_____ and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

I declare (or certify, verify, or state) under penalty or perjury that the foregoing is true and correct.

3-8-05
Date

Ben Reed Jr
Signature of Plaintiff

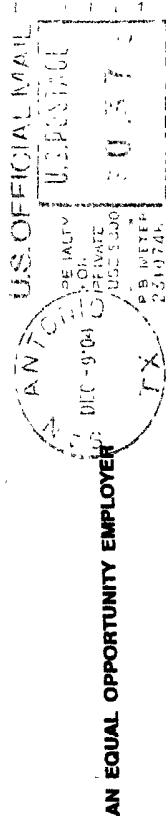
9711 Green P/Am Dr
Address of Plaintiff

San Antonio TX 78245
City State Zip Code

Telephone Number(s)

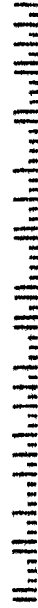
US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
SAN ANTONIO DISTRICT OFFICE
5410 FREDERICKSBURG ROAD -- SUITE 200
SAN ANTONIO TX 78229-3555

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300



Mr. Levi Reed
9711 Green Plain Drive
San Antonio, TX 78245

78245+306A AA



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Levi Reed
9711 Green Plain Drive
San Antonio, TX 78245

From: U. S. Equal Employment Opportunity Commission
San Antonio District Office
5410 Fredericksburg Rd. Suite 200
San Antonio, TX 78229

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
360-2004-11422	Travis Hicks, Enforcement Supervisor	(210) 281-7603

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ We cannot investigate your charge because it was not filed within the time limit required by law.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You had 30 days to accept a reasonable settlement offer that afford full relief for the harm you alleged.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state) _____

- NOTICE OF SUIT RIGHTS -

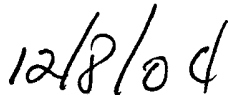
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** from your receipt of this Notice; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Pedro Esquivel, District Director



(Date Mailed)

Enclosure(s)

cc: San Antonio Aerospace

SAN ANTONIO AEROSPACE SECURITY

INCIDENT REPORT

PAGE 1 OF 1

Report by: <u>LEVI REED JR</u>	Date & Time reported completed: <u>7-27-04 19:00</u>
Type of incident: <u>RACIAL DISCRIMINATION</u>	Date & Time incident occurred:
Location of incident: <u>UNIT #5</u>	
Who was notified: <u>DAVID RODRIGUEZ</u>	When: <u>ASAP</u>
Were Police, Fire or EMS called?	Case#

PERSONS INVOLVED:

NAME ADDRESS PHONE#

1. DAVID Young 2nd Shift Lead Supervisor
2. _____
3. _____

WITNESSES

1. _____
2. _____

VEHICLES INVOLVED

1. Year: _____ Make/Model: _____ Body/Color: _____ LP# _____

2. Year: _____ Make/Model: _____ Body/Color: _____ LP# _____

MISSING PROPERTY:DETAIL OF INCIDENT:

S/O. Young Came To my workplace
using Intimidating Remarks & RACIAL DISCRIMINATION

LEVI REED JR
 OFFICER NAME (PRINT)

Levi Reed Jr.
 SIGNATURE

CHIEF OF SECURITY (SIGNATURE)

DATE

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC
360-2004-11422**Civil Rights Div Texas Workforce Cm**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Mr. Levi Reed

Home Phone No (Incl Area Code)

(210) 670-9318

Date of Birth

04-13-1945

Street Address

City, State and ZIP Code

9711 Green Plain Drive, San Antonio, TX 78245

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

SAN ANTONIO AEROSPACE LP

No. Employees,

201 - 500

Phone No (Include Area Code)

(210) 293-2688

Street Address

City, State and ZIP Code

9800 John Saunders Road, San Antonio, TX 78216

Name

No. Employees,

Phone No (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

11-16-2003**09-04-2004**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was intimidated and harassed for the last 300 days by David Young, Lead Supervisor when he would see me in the company vehicle and tell me to walk, not believe me when I would explain I did my job and believe another employee who actually did not do the job; accuse me of tardiness and write me up, whereas others who were tardy were not written up, left me stranded when I had car problems and emptied my desk, kicked my paperwork and phone charger. He admitted to me that he was prejudice.

When I tried to report the discrimination through an incident report, it was refused by John Milton, Director of maintenance, David Rodriguez, Chief of Security and J. Ferris, Security Lead.

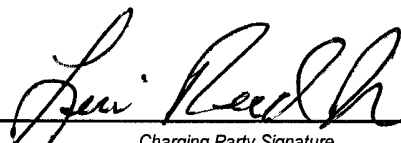
I feel I was discriminated against because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Sep 16, 2004

Date



Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC AFFIDAVIT*(This form is affected by the Privacy Act of 1974. See Privacy Act Statement on reverse before completing this form.)*

NAME Levi Reed	TELEPHONE NUMBER (Give area code) HOME: (210) 670-9318 WORK: (210) 293-3200
--------------------------	--

ADDRESS (Number, street, city, state, zip)

9711 Green Plain Drive, San Antonio, TX 78245**THE FOLLOWING PERSON CAN ALWAYS CONTACT ME**

NAME AND TELEPHONE NUMBER

ADDRESS (Number, street, city, state, zip)

STATUS OF EMPLOYMENT

CHECK ONE:

☐

WORKING

☒

NOT WORKING

☐

SOUGHT EMPLOYMENT AT

NAME OF EMPLOYER

San Antonio Aerospace

TYPE OF BUSINESS

DATES OF EMPLOYMENT

FROM:

TO:

WHEN EMPLOYMENT WAS SOUGHT

FROM:

TO:

POSITION TITLE

DEPARTMENT

ADDRESS (Number, street, city, state, zip)

I was hired by J. Ferris, Lead Security in 2003 in the capacity of Security Guard. I worked in the Unit 5. My immediate supervisor was David Young (RW) who was the Lead Supervisor.

On July 27, 2004, I was harassed and intimidated for the last 300 days by David Young, Lead Supervisor whenever he would see me in the company vehicle, he would tell me to get off and tell me to walk. On another occasion, I reported that an airplane was wrecked and I reported it to another lead supervisor, Justin Roe, who failed to make an incident report. When we stood before Mr. Young, he believed the lead supervisor and not me, until my co-workers reported to Mr. Young that the lead supervisor had told them about the wrecked airplane. Mr. Young did not believe me when I would explain I did my job and believe another employee who actually did not do the job; accuse me of tardiness and write me up, whereas others who were tardy were not written up. They are Ms. Yuterrio, who was tardy five days straight and not disciplined. Mr. Young left me stranded when I had car problems after he gave me a jump. When I asked him to follow me he went straight back to the office and stated that I was following him even after I told him that I had a bad alternator. He emptied my desk, kicked my paperwork and phone charger. He admitted to me that he was prejudice. When we were called into a meeting by the Director, Mr. Milton, Mr Young admitted what he had said and Mr. Milton told us to get along. Afterwards, I tried to report the discrimination in writing and he would not take it, as well as Mr. Rodriguez and Mr. Ferris. I found out that David Young was later demoted, however, he still has some of the same privileges as before he was demoted.

Rebuttal

Levi Reed JR

9711 Green Plain PK
San Antonio 78245

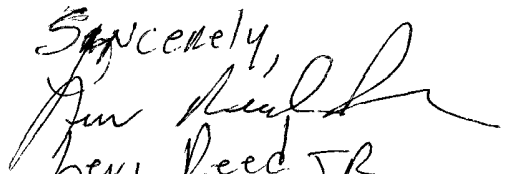
I WAS CALL TO MR RODRIGUEZ OFFICE, MR YOUNG WAS BEING INTERVIEW MR RODRIGUEZ ASK FOR MY SIDE OF THE STORY I TOLD HIM I CALL BASE TO REPORT MY ASSIGN POST UNIT-5 NEEDED TO BE CLOSE BECAUSE MY ASSIGN AIRCRAFT HAD RETURN FROM A TEST FLIGHT AN HAD TAXI TO ANOTHER GANGER #7 WHILE USE A 2WAY RADIO TELLING THEM I HAD TO RELOCATE IN ORDER TO PROTECT & SECURE THE AIRPLANE MY YOUNG SAID I WAS BREAKING DOING TRANSMISSION & THAT HE WAS DRIVING TO MY AREA I WAS FOLLOWING PROPER PROCEDURES THERE WAS NO REASON TO DISCIPLIN ME HOWEVER MR YOUNG START FOLLOWING AT ME ABOUT WHAT WAS MY DUTIES OVER & OVER FROM THE LOOK ON HIS FACE I FEARED FOR MY SAFETY HE WAS IN MY FACE SCREAMING ASKING ME WHAT MY ASSIGN POST WAS THIS WAS WHEN I STATED HE ACT LIKE HE WAS ^{PREJUDICE} MR YOUNG SAID "YES" I AM PREJUDICE THIS WAS WHEN HE STOP FOLLOWING AN STATED AGAINST EQUORANT. REALIZING WHAT HE HAD ADMITTED TELLING I STOP A PASSERBY WITH A CELL PHONE AN CALL MR RODRIGUEZ I HAVE IN THE PAST TOLD MR RODRIGUEZ THIS MAN IS RACIAL,

IN EVIDENCE MR YOUNG SAID I MR REED ASK HIM WHETHER HE WAS PREJUDICED. THIS IS FALSE.

EVIDENCE: I SUBMITTED AN INCIDENT REPORT REGARDING RACIAL DISCRIMINATION AGAINST D YOUNG ON AUGUST 8, 2004 TO MRS HOLLY GIBNEY TITLE H.R. SAN ANTONIO AEROSPACE I ASK HOLLY IF I COULD SUBMIT THE MY INCIDENT REPORT FOR THE RECORD SHE SAID YES HOWEVER THEY TOLD HER THIS MATTER WAS OVER THEN SHE TOLD ME TO PUT IT ON HER DESK ON THIS DATE AUGUST 8, 2004 MANAGEMENT HAD NOT CAME IN CONTACT WITH THIS INCIDENT REPORT IT WAS NOT SIGN

AFTER THE STAFF MEETING I ALSO ASK
SUPERVISOR LEAD MR. FERRIS TO SIGN AND
SUBMIT MY INCIDENT REPORT REGARDING
RACIAL DISCRIMINATION AGAINST DAVID YOUNG
MR. FERRIS TOLD ME IN FRONT OF ANOTHER
SECURITY GUARD WHO WAS IN THE OFFICE "BASE"
WITH US. THAT HE WANTED NOTHING TO
DO WITH MY COMPLAINT MR. FERRIS IS THE
PERSON WHO HIRED ME TO WORK FOR S.A.A.

FURTHERMORE; MY CHARGE IS NOT BASE ON
BEING DISCHARGE FROM SAN ANTONIO AREOSPACE FOR
AUGUST 28 2004 INCIDENT
MY CHARGE IS BASE ON BEING HARASSED & INTIMIDATE BY
DAVID YOUNG FOR THE PAST YEAR AND A HALF, OVER 300 DAYS
DATE 11-29-2004

Sincerely,

Levi Reed SR
210) 6709318

P1 2